

# THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

---

## EDITORIAL BOARD

DUDLEY B. BONSAL  
*President*

PAUL B. DE WITT  
*Executive Secretary*

HAROLD H. HEALY, JR.  
*Secretary*

THE RECORD is published at the House of the Association, 42 West 44th Street, New York 36.

---

*Volume 15*

FEBRUARY 1960

*Number 2*

## Association Activities

AT THE January Stated Meeting the Committee on Courts of Superior Jurisdiction, Walter R. Mansfield, Chairman, presented a report urging the Congress to authorize six additional federal judgeships for the Southern District of New York. Chief Judge Sylvester J. Ryan and Judge Archie O. Dawson spoke in support of the Committee's recommendations. The report is published elsewhere in THE RECORD. At the Stated Meeting the following resolution was adopted:

WHEREAS, the Report on the Need for Six Additional Judges for the United States District Court for the Southern District of New York, dated December 31, 1959, prepared by the Committee on Courts of Superior Jurisdiction of The Association of the Bar of the City of New York, has concluded that there is a threatened breakdown in the administration of justice in the United States District Court for the Southern District of New York because of an insufficient number of judges to handle the increasing volume of business of that Court; and

WHEREAS, the bar is deeply concerned over the serious situation disclosed by the Report and believes it is imperative that this problem be met through the prompt creation

of additional judgeships for that Court before a breakdown occurs;

Now, THEREFORE, be it

RESOLVED, that The Association of the Bar of the City of New York urges the Congress of the United States to enact, at the earliest practicable date, legislation to create six additional judgeships in the United States District Court for the Southern District of New York; and it is further

RESOLVED, that this Association should join with other bar groups to take all steps possible to that end.

At the same meeting the following resolution, presented by the Committee on Labor and Social Security Legislation, Emanuel Dannett, Chairman, was adopted:

RESOLVED, that the Association recommends that the New York State General Associations Law be amended so that service of process in the case of labor unions will be sufficient if made upon a union's president, vice president, treasurer, assistant treasurer, secretary, assistant secretary, or managing agent.

James G. Johnson, Jr., Chairman of the Committee on Foreign Law, presented an interim report on the work his Committee is doing.

Following the buffet supper, a forum on "The Revision of the New York Civil Practice Act" was presented by a panel presided over by William Eldred Jackson. Members of the panel were The Honorable Bernard Botein, The Honorable William C. Hecht, Jr., and Messrs. John F. Dooling, Jr., William L. Lynch, Cyrus R. Vance and Professor Jack B. Weinstein.



THE FOLLOWING editorial appeared in The New York Times for January 20, 1960:

#### JUSTICE VS. POLITICS

The City Bar Association's report on the need for six additional Federal judgeships in this Southern District of New York raises a clear-cut issue of justice versus politics. That it exists at all is a disgrace, made worse as the

situation grows increasingly acute. The Bar Association has done a conspicuous service, to the public and to frustrated litigants, in its able presentation of the case for more judges—one which we hope will have a massive impact on Congress, where responsibility for the present situation squarely rests and to which the association's resolution appealed last night.

So remiss has Congress been in meeting the demands of swift justice in this district that the parties in civil actions now have to wait more than two years before their cases come to trial. As the report has pointed out, the delay "causes hardships to litigants and brings the court into disrepute"; in patent cases it has "encouraged willful and wanton infringement." The outstanding cause for this deplorable situation is the failure of Congress to create enough judgeships, as the years have gone by, to keep up with the increase in cases that the court has had to handle.

The flood of cases has risen no less than 36 per cent in the last five years, with the same number of judges to carry the load. And their burden is greater than that which judges in other districts have to bear. The Southern District has 20 per cent of the civil cases in all the Federal courts but only 7 per cent of the total number of judges to hear them. No wonder the New York court has failed by 2,374 to keep up in decisions with the new cases filed in the past two years.

While the situation is more acute here than elsewhere it is urgent everywhere. For the past five years the Judicial Conference of the United States has been urging Congress to create more judgeships—raising the number as conditions have grown steadily worse. But no action at all has been taken. Now a bill for forty-five more places on the Federal bench is gathering dust in Congressional committee rooms. Reason: the politics of possible appointments. And this in spite of the fact that President Eisenhower has pledged to appoint to new places an equal number of Democrats and Republicans qualified for the judgeships.

Could it be that leaders of the Democratic majority hope a Democratic President, bound by no such pledge, will be elected next year, or that some fear that President Eisenhower might not appoint the right kind of Democrats? Anyway, the delay is inexcusable.



A DELEGATION of lawyers who attended the International Congress of Jurists held in New Delhi in 1959 has presented to the judges and lawyers of India for the Supreme Court at New Delhi some 28 books by or about American judges and lawyers or relating to American legal institutions.



THE COMMITTEE on Foreign Law, James G. Johnson, Jr., Chairman, had as guests at its December meeting Harry Heller and Manuel Cohen of the U.S. Securities and Exchange Commission.

The guests discussed with the Committee securities regulations as they exist in the more important West and Central European countries. Both speakers had collected first-hand information and experience during an extended recent stay in Europe.



THE COMMITTEE on Atomic Energy, Daniel James, Chairman, had as its guest Rowland Bryan, attorney-in-charge of atomic energy matters for The Babcock & Wilcox Company, who discussed with the Committee some of the problems under the patent provisions of the Atomic Energy Act. As a result of the discussion, the Chairman was authorized to appoint a Subcommittee to state the questions presented by compulsory patent licensing and make proposals for the resolution of such questions with a view to possible detailed factual study later on.



THE SECTION on Wills, Trusts and Estates, Joel Irving Friedman, Chairman, is conducting a series of three meetings, all dealing with the subject of Contested Probate Proceedings. Joseph T. Arenson, William T. Collins, II and James L. Murray are discussion leaders.

An all-day symposium on the role of the corporation in public affairs was sponsored by the Section on Corporate Law Departments, Otto Kinzel, Chairman, in collaboration with the American Bar Association's Section on Corporation, Banking and Business Law, Committee on Corporate Law Departments, Leon E. Hickman, Chairman. John S. Tennant, General Counsel, United States Steel Corporation, presided at the symposium. Speakers were William T. Gossett, Vice President and General Counsel, Ford Motor Company; Leland Hazard, Professor of Industrial Administration and Law at Carnegie Institute of Technology; Harold C. Lumb, Vice President in charge of Legal and Public Affairs, Republic Steel Corporation; and Laurence I. Wood, Labor and Government Relations Counsel, General Electric Company.

The Section on Banking, Corporation and Business Law, John

R. F.  
"Pri  
The

THE  
have  
mitt  
1960

A. C.  
Ass  
I  
165  
Ne

AMER  
Th  
171  
Cle  
THE  
Th  
415  
Mi

THE  
Att  
I  
353  
Mi

THE  
Col  
320  
Ne

THE  
Th  
521  
Ne

THE  
Th  
I  
15  
Ne

R. Raben, Chairman, had as the topic for its general meeting "Private Placements of Securities, Including Proposed Rule 155." The speakers were Carlos L. Israels and Royall Victor, Jr.



THE PUBLISHERS of the following Law Lists and Legal Directories have received Certificates of Compliance from the Standing Committee on Law Lists of the American Bar Association for their 1960 editions:

*Commercial Law Lists*

**A. C. A. LIST**

Associated Commercial Attorneys  
List  
165 Broadway  
New York 6, New York

**AMERICAN LAWYERS QUARTERLY**

The American Lawyers Company  
1712 The Superior Building  
Cleveland 14, Ohio

**THE B. A. LAW LIST**

The B. A. Law List Company  
415 Colby-Abbot Building  
Milwaukee 2, Wisconsin

**THE CLEARING HOUSE QUARTERLY**

Attorneys' National Clearing  
House Co.  
3539 Hennepin Avenue  
Minneapolis 8, Minnesota

**THE COLUMBIA LIST**

Columbia Directory Co., Inc.  
320 Broadway  
New York 7, New York

**THE COMMERCIAL BAR**

The Commercial Bar, Inc.  
521 Fifth Avenue  
New York 17, New York

**THE C-R-C ATTORNEY DIRECTORY**

The C-R-C Law List Company,  
Inc.  
15 Park Row  
New York 38, New York

**FORWARDERS LIST OF ATTORNEYS**

Forwarders List Company  
38 South Dearborn Street  
Chicago 3, Illinois

**THE GENERAL BAR**

The General Bar, Inc.  
The Bar Building  
36 West 44th Street  
New York 36, New York

**THE INTERNATIONAL LAWYERS**

International Lawyers Company,  
Inc.  
33 West 42nd Street  
New York 36, New York

**THE NATIONAL LIST**

The National List, Inc.  
122 East 42nd Street  
New York 17, New York

**RAND McNALLY LIST OF BANK**

RECOMMENDED ATTORNEYS  
Rand McNally & Company  
P. O. Box 7600  
Chicago 80, Illinois

**WRIGHT-HOLMES LAW LIST**

Wright-Holmes Corporation  
225 West 34th Street  
New York 1, New York

*General Law Lists*

AMERICAN BANK ATTORNEYS  
American Bank Attorneys  
18 Brattle Street  
Cambridge 38, Massachusetts

THE AMERICAN BAR  
The James C. Fifield Company  
121 West Franklin  
Minneapolis 4, Minnesota

THE BAR REGISTER  
The Bar Register Company, Inc.  
One Prospect Street  
Summit, New Jersey

CAMPBELL'S LIST  
Campbell's List, Inc.  
Campbell Building  
905 Orange Avenue  
Winter Park, Florida

INTERNATIONAL TRIAL LAWYERS  
Directory Publishers, Inc.  
84 South Cherry Street  
Galesburg, Illinois

THE LAWYERS DIRECTORY  
The Lawyers Directory Publishers  
607 East Market Street  
Charlottesville, Virginia

THE LAWYERS' LIST  
The Law List Publishing  
Company, Inc.  
521 Fifth Avenue  
New York 17, New York

MARKHAM'S NEGLIGENCE COUNSEL  
Markham Publishing Corporation  
Markham Building  
66 Summer Street  
Stamford, Connecticut

RUSSELL LAW LIST  
Russell Law List  
10 East 40th Street  
New York 16, New York

*General Legal Directory*

MARTINDALE-HUBBELL LAW  
DIRECTORY  
Martindale-Hubbell, Inc.  
One Prospect Street  
Summit, New Jersey

*Insurance Law Lists*

BEST'S RECOMMENDED INSURANCE  
ATTORNEYS  
Alfred M. Best Company, Inc.  
75 Fulton Street  
New York 38, New York

HINE'S INSURANCE COUNSEL  
Hine's Legal Directory, Inc.  
P. O. Box 71, 443 Duane Street  
Glen Ellyn, Illinois

THE INSURANCE BAR  
The Bar List Publishing Co.  
State Bank Building  
Evanston, Illinois

THE UNDERWRITERS LIST OF TRIAL  
COUNSEL  
Underwriters List Publishing  
Company  
308 East Eighth Street  
Cincinnati 2, Ohio

*Probate Law Lists*

THE PROBATE COUNSEL  
Probate Counsel, Inc.  
First National Bank Building  
Phoenix, Arizona

SULLIVAN'S PROBATE DIRECTORY  
Sullivan's Probate Directory, Inc.  
84 South Cherry Street  
Galesburg, Illinois

*State Legal Directories*

Publisher—The Legal Directories Publishing Company, Inc.  
1072 Gayley Avenue  
Los Angeles 24, California

- |   |   |
|---|---|
| Alabama, Florida and Georgia Legal Directory                      | Mountain States Legal Directory<br>(For the States of Colorado, Idaho, Montana, New Mexico, Utah and Wyoming)                 |
| Arkansas, Louisiana and Mississippi Legal Directory               |   |
| Carolinas and Virginias Legal Directory                           | New England Legal Directory<br>(For the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont) |
| Delaware-Maryland and New Jersey Legal Directory                  |   |
| Illinois Legal Directory  | New York Legal Directory  |
| Indiana Legal Directory   | Ohio Legal Directory  |
| Iowa Legal Directory  | Oklahoma Legal Directory  |
| Kansas Legal Directory  | Pacific Coast Legal Directory<br>(For the States of Alaska, Arizona, California, Nevada, Oregon and Washington)               |
| Kentucky and Tennessee Legal Directory                            |   |
| Michigan Legal Directory  | Pennsylvania Legal Directory  |
| Minnesota-Nebraska, North Dakota and South Dakota Legal Directory | Texas Legal Directory   |
| Missouri Legal Directory  | Wisconsin Legal Directory   |

*Foreign Law Lists*

BUTTERWORTHS EMPIRE LAW LIST  
Butterworth & Company  
(Publishers) Ltd.  
88 Kingsway  
London, W. C. 2, England

CANADIAN LAW LIST  
Cartwright & Sons Limited  
2081 Yonge Street  
Toronto 7, Ontario, Canada

**CARSWELL'S DIRECTORY OF CANADIAN  
LAWYERS**

The Carswell Company Limited  
145 Adelaide Street, West  
Toronto 1, Ontario, Canada

**THE INTERNATIONAL LAW LIST**

L. Corper-Mordaunt & Co.  
Pitman House, Parker Street  
London, W. C. 2, England

**KIME'S INTERNATIONAL LAW  
DIRECTORY**

Kime's International Law  
Directory, Ltd.  
107, St. Alban's Road  
Watford, Herts., England

Feb

Feb

Feb

Feb

Feb

Feb

Feb

Feb

Feb



## The Calendar of the Association for February and March

(as of January 28, 1960)

- February 1 Dinner Meeting of Committee on Professional Ethics  
Dinner Meeting of Committee on Rent Control Laws  
Meeting of Committee on the Bill of Rights
- February 2 Meeting of Committee on State Legislation  
Dinner Meeting of Committee on Administrative Law
- February 3 Dinner Meeting of Executive Committee  
Meeting of Section on Wills, Trusts and Estates  
Meeting of Committee on Surrogates' Courts
- February 8 Meeting of Committee on Family Law
- February 9 Meeting of Committee on State Legislation  
Dinner Meeting of Special Committee on Banking  
Dinner Meeting of Committee on Insurance Law  
Dinner Meeting of Committee on Labor and Social  
Security Legislation
- February 10 Dinner Meeting of Committee on Federal Legislation  
Dinner Meeting of Committee on the Bill of Rights  
Dinner Meeting of Committee on Municipal Affairs  
Meeting of Committee on Surrogates' Courts
- February 15 Meeting of Library Committee  
Dinner Meeting of Committee on Medical Jurispru-  
dence  
*Symposium: "Legal Problems of the European Com-  
mon Market." 8 P.M.*
- February 16 Dinner Meeting of Committee on Aeronautics  
Meeting of Committee on State Legislation  
Meeting of Joint Medical-Legal Committee
- February 17 Meeting of Committee on Admissions  
Dinner Meeting of Committee on Trade Marks and  
Unfair Competition  
Dinner Meeting of Committee on Courts of Superior  
Jurisdiction

- February 18 Dinner Meeting of Committee on Atomic Energy  
Meeting of Section on Taxation
- February 23 Meeting of Committee on State Legislation  
Meeting of Committee on Arbitration  
Dinner Meeting of Committee on Copyright
- February 24 Dinner Meeting of Committee on Legal Aid  
Dinner Meeting of Committee on International Law  
Dinner Meeting of Committee on Art
- February 25 *19th Annual Benjamin N. Cardozo Lecture. "The  
Future of the Judicial Process: Challenge and Re-  
sponse." Speaker—The Honorable Bernard Botein.  
8 P.M. Buffet Supper, 6.15 P.M.*
- February 26 Meeting of Committee on Increase of Membership
- March 1 Meeting of Committee on State Legislation
- March 2 Dinner Meeting of Executive Committee  
Meeting of Section on Wills, Trusts and Estates
- March 7 Dinner Meeting of Committee on Professional Ethics
- March 8 *Stated Meeting of the Association, 5:00 P.M. Buffet  
Supper, 7:15 P.M. Forum, 8:00 P.M.*  
Meeting of Committee on State Legislation
- March 9 Dinner Meeting of Committee on Federal Legislation  
Dinner Meeting of Committee on the Bill of Rights  
Dinner Meeting of Committee on Municipal Affairs  
Meeting of Section on Banking Law
- March 14 Dinner Meeting of Committee on Family Law
- March 15 Dinner Meeting of Committee on Courts of Superior  
Jurisdiction  
Meeting of Committee on State Legislation  
Meeting of Committee on Arbitration  
Dinner Meeting of Special Committee on Banking  
Dinner Meeting of Committee on Insurance Law  
Dinner Meeting of Committee on Administrative Law

- March 16 Meeting of Committee on Admissions  
Dinner Meeting of Committee on Trade Marks and  
Unfair Competition  
Dinner Meeting of Committee on Foreign Law
- March 17 Dinner Meeting of Committee on Atomic Energy
- March 21 Meeting of Library Committee  
Dinner Meeting of Committee on Medical Jurispru-  
dence
- March 22 Meeting of Committee on State Legislation  
Meeting of Committee on Domestic Relations Court  
Dinner Meeting of Committee on Copyright
- March 23 Meeting of Section on Trade Regulation  
Dinner Meeting of Committee on Trade Regulation  
Dinner Meeting of Committee on International Law
- March 24 *Symposium*: Sponsorship Committee on Aeronautics
- March 29 Meeting of Committee on State Legislation
- March 30 Dinner Meeting of Committee on Legal Aid

## The President's Letter

### *To the Members of the Association:*

It was a good day for our community when Mayor Wagner appointed Florence M. Kelley Presiding Justice of the Domestic Relations Court of the City of New York. No finer or more capable person could be found to fill this important judicial office. Our Association can take particular pride in this appointment as for many years Presiding Justice Kelley has been a leader in our activities and at the time of her appointment was, most appropriately, Chairman of the Committee on the Domestic Relations Court.

Chief Justice Irving Ben Cooper's resignation was most unhappy news. His performance on the Court of Special Sessions has been distinguished and he leaves a rich legacy of accomplishment to his successor. We all wish him best of luck in the many fruitful years that are ahead of him.

At the January Stated Meeting the Association adopted a resolution urging the creation of six additional judgeships in the United States District Court for the Southern District of New York. Chief Judge Sylvester J. Ryan and Judge Archie O. Dawson attended the meeting and did an excellent job in pointing out the need for these additional judges. We will do everything we can to obtain these additional judges which are so needed to relieve the congestion in the Court and the very heavy burden now carried by our District judges.

In the June, 1959 issue of *THE RECORD* I have reported that the Association can be proud of the support which it has given to court reorganization in this State. The court reorganization bill will be considered again this year by the legislature with various technical amendments which have been found necessary. We hope that the bill will be passed without substantial change. This will pave the way to its being acted upon by the next legislature in 1961, so that it can be submitted to the voters in the fall of that year.

Another heritage from the Tweed Commission is the proposed revision of the Civil Practice Act, which will be acted on by the legislature in 1961. Following the January Stated Meeting we had an excellent and spirited panel discussion on the proposed revision. The Joint Committee under the Chairmanship of William E. Jackson will welcome constructive suggestions from our members.

Presiding Justice Bernard Botein will deliver the Cardozo lecture on February 25. His topic will be "The Future of the Judicial Process: Challenge and Response." We are honored that our Presiding Justice will join the distinguished group who have been giving the lectures and I am sure you will want to hear him discuss this timely subject.

I am happy to report that Mr. Eric Nightingale has been appointed Attorney-in-Chief of the Grievance Committee to succeed Mr. Gordon who has resigned to enter private practice.

Elsewhere in THE RECORD will be found Mendes Hershman's review of Mr. Justice Martin M. Frank's "Diary of a D.A." This is an important book to both lawyers and laymen and I commend it to your attention.

DUDLEY B. BONSAI

*January 15, 1960*

## Report on the Need for Six Additional Judges for The United States District Court for the Southern District of New York

### SUBMITTED BY

*The Association of the Bar of the City of New York;  
New York County Lawyers' Association; Bronx County  
Bar Association; Federal Bar Association (Empire  
State Chapter); The Maritime Law Association of the  
United States; New York Patent Law Association.*

The Bar Associations submitting this report are deeply concerned over a threatened breakdown in the administration of justice in the United States District Court for the Southern District of New York because of an insufficient number of judges in that Court to handle its ever-growing business. Our members, whose practice constitutes the primary work of the Court, firmly believe that unless Congress promptly enacts legislation creating six additional judgeships for the Southern District of New York, as recommended by the Judicial Conference of the United States, such a breakdown may occur.

While the need for additional judges is a problem which is not confined to the Southern District of New York alone, the Southern District is unique in terms of the volume and character of the matters that come before it, and should be treated as such. Not only does this Court handle a greater volume of business than any other Federal district court, but, situated as it is at the hub of the nation's largest economic, shipping and financial center, this Court is constantly being called upon to decide matters of vital and unusual importance to the country at large—matters involving more complex and difficult factual and legal problems than those found on the dockets of most other Federal district courts. Such matters, whether disposed of before or after trial, inevitably require more time than the relatively simpler cases that characterize most other Federal dockets.

As of July 1, 1959 out of the nation's total federal civil case load of 56,430<sup>1</sup> cases this District alone had pending before it 10,937 civil cases. But, as indicated above, bare statistical data concerning the number of cases pending does not give the full measure of judicial output because in this case load there is an unusually large percentage of highly complicated matters which will take far more time to dispose of than the ordinary cases. This load includes:

- 33 Government anti-trust cases, or over one-third such cases pending in the country.
- 237 patent suits, constituting almost one-fifth of all such cases in the United States.
- 2,376 admiralty proceedings (exclusive of Jones Act personal injury cases) representing over two-fifths of all admiralty matters on file in the federal courts.
- 117 private anti-trust suits, or about 20% of all such litigation in the federal courts, and approximately 25 Robinson-Patman Act cases.<sup>2</sup>

Likewise high is the percentage of other cases that involve complex fields of industry, services and enterprises, ranging from bottled baby foods and bananas to copyright music, watches, radio tubes, computers, television broadcasting, color photography and prize fight promotion. These suits are of the type referred to colloquially by bench and bar as "the big case." Estimates of trial time required range from several weeks to almost a year per case, and the amounts of damages claimed run in many cases to over a million dollars each.

The implications of this unique type of caseload may be gathered by reference to some examples. In the admiralty field, for instance, the much publicized limitation of liability proceedings affecting the s.s. ANDREA DORIA and the M/V STOCKHOLM are recorded statistically as only two cases. However, they actually rep-

<sup>1</sup> Unless otherwise noted, all figures are taken from the Annual Report of the Director of the Administrative Office of the United States Courts, Washington, D.C., September 1959.

<sup>2</sup> Estimated by Chief Judge Sylvester J. Ryan.

resent a vast number of separate suits, one for each claim, and in these two cases there were approximately 3,500 claims filed, many of which involved settlement of infants' and deceased persons' claims.

The recent Bethlehem-Youngstown steel merger case, a Government anti-trust suit tried in the Southern District before Judge Edward Weinfeld in 1958, is another typical example. There a motion for summary judgment (see *United States v. Bethlehem Steel Corp.*, 157 F. Supp. 877 for decision) required the Court to consider affidavits, exhibits and briefs exceeding 400 pages. Despite complete cooperation on all sides to shorten the trial through pre-trial conferences and stipulations (one of which was 600 pages long) the trial record ran to 12,000 pages and required the Judge to spend a very substantial part of six months in chambers before handing down an 88-page decision (at 168 F. Supp. 576), plus 199 pages of Findings of Fact and Conclusions of Law.

The statistics in the Government suit against the investment bankers, *United States v. Henry S. Morgan et al.*, 118 F. Supp. 621 (SDNY 1953), tried before Judge Medina, reveal the true character of the "big case." That case involved

- 6,848 pages of pre-trial depositions, interrogatories and orders.
- 10,640 pre-trial exhibits, consisting of 43,252 pages.
- 196 pre-trial and interim motions, briefs and memoranda, plus 376 separate charts and tables prepared by the parties, totalling 3,846 pages;
- 309 courtroom days of trial, plus 25 days of off-the-record conferences between Court and counsel;
- 23,962 printed pages of trial transcript;
- 4,469 trial exhibits totalling 20,474 pages plus 2,967 pages marked for identification.
- 417 pages devoted to the Court's opinion.

Yet the *Morgan* case would be counted as but one case in statistical records.

In his Field Study of the Operations of the United States Courts



—Report to Senate Appropriations Committee, April 1959. Mr. Paul J. Cotter stated that "the problem of the complicated case exists to a high degree" in this District, and that it has the largest number of "long and complicated cases" in the country. Such litigation demands much more of a judge's time and intellect than the hours spent on the trial itself. Before trial the parties usually present difficult factual and legal questions by way of a series of motions accompanied by voluminous papers and briefs which must be studied for a considerable length of time in chambers before they can intelligently be decided. During trial many more hours must be spent analyzing minutes and exhibits and preparing jury charges; and in non-jury cases (which are customary in the complicated patent and admiralty proceedings, and in many anti-trust suits) the judge must after the trial study the exhibits, transcripts and briefs before drafting and filing his findings, conclusions and opinion.

In addition to the many protracted cases on its civil docket, the Southern District of New York has also been the venue for an unusually large number of so-called big criminal cases, such as the recently concluded Apalachin trial and the Genovese narcotics case which was tried in April, 1959. It should be noted that the Southern District handles approximately 1,100 criminal prosecutions annually, which cannot be deferred, since the Constitution guarantees the accused a prompt disposition; and that this consumes the full time of four judges, making them unavailable for civil cases.

To handle this enormous and complex case load, which in sheer numbers constitutes 20% of the civil cases pending in all the Federal district courts, Congress has allocated to the Southern District of New York only 18 judges, or 7% of the total number of Federal district judges in the country. According to the Director of the Administrative Office of the United States Courts, Warren Olney, III, "No district is as undermanned as the Southern District of New York."

The 10,937 pending cases in the Southern District breaks down to an average of 608 cases pending per judge. There are twelve

Federal Districts, including the Southern District of New York, which have five or more judges. All of these Districts are located in metropolitan areas and handle approximately 45% of all new civil cases filed in the 86 districts having purely federal jurisdiction.<sup>3</sup> The average case load pending before each judge in these twelve Districts was 321 cases as of June 30, 1959. In other words, each of the judges in the Southern District of New York has on the average almost twice the number of cases pending before him as the judges of these other metropolitan districts. The situation as of June 30, 1958 was much the same: At that time, in the same twelve metropolitan districts, the average number of cases pending per judge was 336, while in the Southern District of New York the average case load per judge was 578. And the average case load of the judges in all 86 districts having exclusive federal jurisdiction was 249 and 270 in those years.

Of course, if this unduly large number of cases pending per judge in the Southern District of New York could be attributed to inefficiency or a lack of industriousness on the part of its judges, the creation of additional judgeships obviously would not be the solution to the problem. But the record establishes conclusively that this is not the case. In the fiscal year ending June 30, 1959, the judges in the Southern District of New York on the average disposed of 334 cases per judge, as compared to an average of 253 cases per judge in the twelve metropolitan districts described above. A comparison for the fiscal year ending June 30, 1958 likewise reveals that the Southern District disposed of a substantially greater number of cases per judge than the average of the other metropolitan districts. The average number of cases disposed of per judge for all 86 districts having exclusive federal jurisdiction was even lower: In 1959 the figure was 236 cases disposed of per judge, and in 1958 the average number of cases disposed of per judge was 231.

Yet, despite the fact that through a prodigious effort the judges

<sup>3</sup> These are Massachusetts, the Eastern and Southern Districts of New York, New Jersey, the Eastern and Western Districts of Pennsylvania, the Southern District of Florida, the Eastern District of Michigan, the Northern District of Ohio, the Northern District of Illinois, and the Northern and Southern Districts of California.

in the Southern District of New York disposed of a much higher than average number of cases in both 1958 and 1959, their case load continues to swell: In the fiscal year ending June 30, 1958, 6,732<sup>4</sup> new cases were filed in the Southern District and 4,896<sup>4</sup> cases were disposed of. Last year 6,549 new cases were filed and a total of 6,011 cases disposed of. Thus, from July 1, 1957 to June 30, 1959, the backlog of pending cases has increased by 2,374 cases in this District even though its judges are working harder than ever. Any further efforts to increase the output per judge pose the risk that judges will be forced unconsciously to sacrifice the quality of justice expected of them in an effort to keep up with the increasing workload. There is a limit to the burden that can be handled efficiently, even by the most conscientious judge. If he exceeds that limit his very attempt to keep up with the excessive burden is self-defeating since mental exhaustion will undoubtedly have an adverse effect upon all of his work, not just the excess.

The steady increase in this District's backlog does not completely reflect the seriousness of the situation. With an inadequate number of judges to handle the entire case load before it, there is a natural tendency on the part of the Court to dispose of the shorter cases first and defer the more complicated and protracted ones, since trial of these cases would consume months of the time of the judges involved and result in a sharp increase in the number of cases forming the backlog. This tendency to handle the shorter cases first, however, increases the hard core of the protracted and complicated cases, especially when one realizes that from 2 to 3% of the current filings, or approximately 150 new cases each year are of the complicated and protracted type. Recently Chief Judge Ryan has assigned 4 or 5 complicated and protracted cases apiece for all purposes to each of the 18 judges and we may therefore expect that when trial of some of these cases is commenced in 1960 the delay in handling of regular run of the mill cases will be increased.

---

<sup>4</sup> Field Study of the Operations of United States Courts—Report to Senate Appropriations Committee, April 1959 (prepared by Paul S. Cotter).

Nor have efforts on the part of Congress to stem the engulfing tide of new cases being brought in the federal courts met with success in the Southern District of New York. When Congress passed the Jurisdictional Act of July 25, 1958 which raised the minimum jurisdictional amount from \$3,000 to \$10,000 in diversity cases, it was anticipated that this would result in a sharp decrease in the number of such cases being brought in the federal courts, because, of the 67,115 cases filed during the fiscal year ending June 30, 1958 throughout the United States, 25,709 were diversity cases. From the standpoint of the country as a whole, the statute had its desired effect since there was an overall decline of 32.6% in the number of such cases filed in the fiscal year 1959. Unfortunately, this decline occurred in districts other than the Southern District of New York. In this District, while the number of private civil cases filed in the fiscal year 1959 declined slightly from the previous year (5,388 filed in 1959 as compared to 5,764 filed in 1958), the total number of civil cases commenced in the Southern District for 1959 remained substantially the same as it was in 1958, viz., 6,549 as compared with 6,727.<sup>5</sup> Furthermore, an examination of the docket in the Southern District for the first four months of the current fiscal year (1959-1960) reveals that 2,357 new civil cases have been filed, or an average of approximately 600 suits per month, which would mean that we may expect the total for the current year to exceed 7,100 new civil actions.

Thus, while the number of civil actions being commenced in most other districts is on the decline, the number in the Southern District of New York is still increasing despite the new Act. It should also be noted that the great majority of cases pending in the Southern District consist principally of private civil suits rather than suits by or against the Government, a fact of considerable significance in assessing the Court's work load, since it is

<sup>5</sup> 365 civil cases per judge were filed in the Southern District in the fiscal year 1959 as compared with an average of 238 such cases per judge in the 12 largest federal districts in the country (including the Southern District of New York).

generally accepted that "private civil cases . . . take much more time of the judges than Government cases."<sup>6</sup>

Other new Federal legislation enacted by Congress at its last session may also lead to additional litigation in the Southern District of New York. One example of this legislation is the "Labor Management Report and Disclosure Act of 1959" (the so-called Landrum-Griffin Bill) enacted in September 1959 (Public Law 86-257) which establishes new controls affecting labor unions and their relationships with union members. Both labor and management representatives have predicted that this Act will lead to a flood of litigation by individual union members and employees seeking to enforce rights accorded them under the law. The Southern District of New York, which is the situs of the headquarters of many important unions will undoubtedly be invoked in such cases. We may further anticipate that future sessions of Congress will pass additional legislation in other fields that will likewise add to this important Court's burden.

What has been the result thus far of this tremendous case load in the Southern District? The median interval between issue and trial in this District during the fiscal year ending June 30, 1959 was 19.1 months as distinguished from an average median interval of 10.3 months in the 86 districts having exclusive Federal jurisdiction. And the time between the filing of a complaint and trial was 26.7 months in the Southern District as compared with 15.3 months in these same 86 districts during that same period.

The delay of over 26 months between filing and trial in the Southern District causes hardships to litigants and brings the court into disrepute in the eyes of the public. In patent infringement cases, for example, this inordinate delay has serious consequences for it has encouraged wilful and wanton infringement of important patents toward the end of their term. Infringers,

<sup>6</sup> Quarterly Report of the Director of the Administrative Office of the United States Courts for the Third Quarter of the Fiscal Year ending June 30, 1959, Page 8, Table C-1; testimony of Warren Olney, III, director, Administrative Office United States Courts, January 26, 1959, Hearings before the Subcommittee of the House of Appropriations, 86th Congress, First Session (page 56).

secure in the knowledge that if suit is brought in the Southern District of New York no determination of the issues involved is probable until after the expiration date of the patent, have deliberately embarked on infringement activities toward the end of the term of many patents, thus foreshortening the effective term of such patents by several years.

In areas of industry engaged in highly competitive research, patented inventions frequently become obsolete in a matter of years; and in these areas the value of a patent is seriously reduced if speedy relief against infringers is not available, and absent value in the patent, the incentive for invention and development of new products disappears.

But the problem in the Southern District of New York is far more serious than one of delay alone. If the present rate of filings continues without abatement, or increases as the first four months of 1959-1960 indicate will be the case, and the Court is given no relief in the form of new judges, we face a deterioration in the very quality of justice that this distinguished Court will be able to dispense in the future. Because it is inevitable that when the case load on the individual judges becomes too heavy, not only does court congestion occur, but the quality of the justice which is dispensed must ultimately be adversely affected.

We believe that this problem cannot be met by measures short of the enactment of legislation creating six additional judgeships. The Court has welcomed any reasonable alternative suggestions including the use of visiting judges from other districts and the adoption of various procedural reforms calculated to increase the Court's work product. But past experience has shown that the services of visiting judges, although welcomed with open arms, have limited utility since their help is of a temporary and transitory nature and they cannot therefore be assigned to deal with the Court's number one problem which is the extraordinary number of complicated and protracted cases pending on its calendar. These judges invariably return after a few weeks to their respective home districts which are often hundreds or thousands of miles from New York. To ask them to continue to handle a

matter after they have returned to their home districts would not only be unfair to them and to the lawyers and litigants involved, but would also be impractical.

With respect to procedural reforms, efforts are continually being made toward improving the Court's efficiency. These include studies presently under way of measures designed to eliminate waste of time on the part of the Court and counsel in the hearing and disposition of motions, and of possible revisions in the Court's pre-trial procedures. Even with such improvements, however, the Court could never expect to increase its already prodigious work product to a point where it could keep abreast of the annual intake of new cases, much less to dispose of the huge backlog of pending litigation before it.

After reviewing the manner in which the present 18 judges are assigned, we are convinced that a minimum of six additional judgeships is required to enable the Court to keep up with the current annual inflow of civil and criminal business. Any plan for assignment of the 24 judges would still necessitate continuation of the services of retired senior and visiting judges who would be utilized on shorter trials in order to enable a portion of the regularly assigned judges to handle the many complicated and protracted cases instituted in this district. Adequate space and facilities are available to accommodate the six additional judges recommended.

On behalf of our members we urge Congress as strongly as we can to enact promptly legislation creating six additional judgeships for the Southern District of New York before the problem has grown to such Gargantuan proportions that the damage will be irreparable.

*December 31, 1959*



## "Diary of a D.A." – A Review\*

By MENDES HERSHMAN

Generally only the exigency of *stare decisis* creates a market for the writings of our courts and only their certificates of election or appointment give our justices their status as authors. Literary style is eschewed as somehow suspect, a black art unwelcome in the chaste precincts of the temple of the Law. There are of course towering exceptions whose opinions will endure as literature though subject as law to the attrition of judicial distinctions or legislative evolution. Holmes, Learned Hand, Cardozo are several of the masters that come easily to mind.

Generally opinions are written in what Judge Cardozo characterized as "the type tonsorial or agglutinative, so called from the shears and the pastepot which are its implements and emblem." The caution that often paralyzes form is born of a proper fear that the well-wrought phrase or shimmering aphorism in giving birth to the *ratio decidendi* may also deposit a brood of illegitimate dicta haunting the court for years to come.

Whatever be the causes, conscious or more likely rooted deeply in the subconscious discontent of man in being civilized or perhaps even the "know nothing" thread in the web of a frontier tradition, the judicial opinion has not been a genial haven for art forms. The creative force thus dammed seeks other outlets and for some of our judges it has been the address or the essay, the biography or memoir, and even the novel or the play. Judge Martin M. Frank, Associate Justice of the Appellate Division of the Supreme Court, First Judicial District, joins this small select company with a memoir of sixteen turbulent years in the office of District Attorney in Bronx County.

If the book's cover flaunted the overblown symbols of our current culture or carried a title characteristic of the mandarins of the mystery story—you know the type—the Virgin's Vengeance or the Wayward Wife—it would be a bestseller in any mass media

---

*Editor's Note:* Mr. Hershman is Chairman of the Association's Committee on Real Property Law.

\* Martin M. Frank, *Diary of a D.A.* New York, Henry Holt and Company, 1959.



form. Indeed it may yet be despite the absence of this obvious inducement to prurient interest. It is thoroughly readable, often highly dramatic. The Justice spins a good yarn. Indeed the book is a cornucopia of lively incident exhibiting a wondrous talent for selection of precise detail to bring the story to life in the imagination of the reader who has had no share in it. Though not partial to the cliché, may I say truth is stranger than fiction and what is more remarkable in this *Diary of a D.A.*, it has the ring of good fiction.

There is also a spate of expository writing on the office of the public prosecutor, the grand jury, the organization of the criminal courts, etc., which tends to flag the reader's interest and could have well been relegated to an appendix.

The book is worth the price for one chapter entitled "Manhunt" and thereby merits place on the bookshelf with Agatha Christie and Erle Stanley Gardner and another judicial author, Judge Voelker of the Supreme Court of Michigan, creator of the current bestseller, *Anatomy of a Murder*. This chapter tells the story in straight narrative, dialogue, and diary entries of a massive police hunt for a rapist-killer. Apart from its spellbinding quality as narrative, it demonstrates that successful prosecution of crime owes more to grinding hard work and a capacity for infinite pains than to the brilliant flashes of intuition which characterize the fictional hero spawned by the Sherlock Holmes genre.

For the lawyer the book is of great interest because underlying the strong flow of narrative is a moving, personal statement of faith in the integrity and conscience of the fighting team of D.A.'s and detectives, at least for a certain period in a certain county of our great City, to place against the corroding cynicism of our time.

The book has something else unusual in tales of murder, mayhem, and rape—a subtle humor, an occasional chuckle as delightful as it is unexpected; a flower that is the more scented because rare. The touch is so light it seems unintended but if studied is all the more remarkable.

The book deserves a warm welcome from the public, particularly the bar.

# Committee Report

## COMMITTEE ON PROFESSIONAL ETHICS

### OPINION NO. 842

*Question:* For our guidance in our representation of defendants in derivative stockholders' actions, would you please advise whether it is proper for the same law firm to represent both the corporate defendant on whose behalf the stockholders' action has been brought and the individual defendants (officers and directors) who are alleged to have engaged in wrongdoing to the detriment of the corporation?

Would your opinion be the same if this firm were of the opinion that there was no merit to the claims of the plaintiff and had so advised our client in writing?

Also, would such dual representation be proper for a reasonably short period of time sufficient to obtain separate counsel either for the corporation or the individual defendants?

*Opinion:* The generality of the inquiry is such that the Committee is unable to express a definitive opinion, that would have general application in all cases, as to whether, under Canons 6 and 37, it would be proper or improper for one firm to represent the corporate and individual (director-officer) defendants in stockholders' derivative actions.

The Committee is divided in its views as to the extent to which the "nominal" or "passive" status of the corporate defendant in many such actions would affect the application of the proscriptions of Canon 6 against representation of conflicting interests where one law firm undertakes to represent both the corporation and the individual director-officer defendants. A majority of the Committee is of the view that a conflict of interests is inherent in any such action wherever relief is sought on behalf of the corporation against the individual director-officer defendants, and that in such cases Canon 6 precludes one firm from representing both the corporation and the individual director-officer defendants except in unusual circumstances stemming from particular facts in a given case.

The Committee is in full agreement that wherever the corporation is required or is likely to take an active part in the action adverse to the interests of the director-officer defendants, dual representation of the corporation and the director-officer defendants would be improper under Canon 6. (Cf. *Garlen v. Green Mansions, Inc.*, 193 N.Y.S. (2d) 116 (1st Dept. 1959)).

The Committee is likewise agreed that: (1) the unique relationship existing between the corporation and its directors is such that extreme caution should be exercised in resorting to the "consent" provisions of Canon 6 as justification for such dual representation; (2) that the same considerations as discussed in (1) above make for difficulty in expressing the views of the Committee as to the general application of the proscriptions of Canon 37

and the last paragraph of Canon 6 in such cases; and (3) that within the general framework of the views expressed above, the application of the strictures of Canons 6 and 37 in so far as concerns representation of the corporation and the individual director-officer defendants in stockholders' derivative actions by the same firm must be determined in the light of the particular facts attending each such case.

It is also our view that, in the absence of unusual circumstances, wherever the facts are such as to make it improper for the same attorney to represent both classes of defendants throughout such an action, it would be equally improper for the same attorney to represent the two classes of defendants even for a short period of time. However, should circumstances require such interim representation, the attorney should take no steps to settle the litigation or enter pleadings for either the corporation or the individual director-officer defendants until separate counsel has been obtained either for the corporation or the individual defendants.

Our views as expressed above would not be altered by the fact that the law firm involved had rendered its opinion to the client that the plaintiff's case was without merit.

To the extent that this opinion is inconsistent with Opinion 368, the latter is overruled.

*January 4, 1960*

# The Library

## CRIME AND PUNISHMENT\*

- Alexander, Meryl E. Jail administration. Springfield, Ill., Thomas. 1957. 326p.
- American Prison Association. A manual of correctional standards. New York, Com. to Revise 1946 Manual of Suggested Standards for a State Correctional System. 1954. 423p.
- Barksdale, A. D. Punishment for crime. 1955. 19 Fed. Prob. 5.
- Barnes, Harry Elmer. New horizons in criminology. 3d ed. Englewood Cliffs, Prentice-Hall. 1959. 654p.
- Barry, J. V. Crime and punishment. 1956. 30 Aust. L.J. 119.
- Bishop, Joseph W., Jr. Review of *Star Wormwood* by Curtis Bok. 1959. 69 Yale L.J. 193-202.
- Brown, L. H. West Virginia; indeterminate sentence and parole law. 1957. 59 W. Va. L. Rev. 143.
- Caldwell, R. G. Reexamination of the concept of white-collar crime. 1958. 22 Fed. Prob. 30.
- Cheng, C. K. Some problems in the rehabilitation of convicted offenders. 1956. 20 Fed. Prob. 35.
- Crime and correction: a symposium (Shimm, Sellin, White, Watson, Guttmacher, Hakeem, Glaser, Hartung, Newman, Cressey, Schnur). 1958. 23 L. & Contemp. Prob. 583.
- Crime and punishment: reparation to the victim. 1959. 227 L.T. 117.
- Devitt, E. J. Improvements in federal sentencing procedures. 1959. 35 N.D. 185.
- Dressler, David. Practice and theory of probation and parole. New York, Columbia Univ. Press. 1959. 252p.
- Edwards, G. Society's stake in the criminal sentence. 1959. 22 Texas B.J. 426.
- Edwards, J. L. J. New doctrine in criminal punishment. 1956. 72 L.Q.R. 433.
- Elkins, Winifred Adeline. The English penal system. Harmondsworth, Eng., Penguin Books. 1957. 287p.
- Floch, M. Are prisons outdated? 1956. 47 J. Crim. L. & Criminology 444.
- Fox, L. W. Sentence and rehabilitation. 1958. 22 Fed. Prob. 15.
- Gardner, G. Purposes of criminal punishment. 1958. 21 Mod. L. Rev. 117.
- Garton, M. H. Problems of sentence. 1958. 30 Manitoba B.N. 30.
- George, B. J., Jr. Unsolved problem: comparative sentencing techniques. 1959. 45 A.B.A.J. 250; 23 Fed. Prob. 27.
- Getty, C., Jr. and Hughes, J. N. Second chance for first offenders in Texas. 1956. 2 S. Texas L.J. 273.

---

\* This list supplements the bibliography on Crime and Punishment which appeared in 10 RECORD 292 (1955).

- Giardini, Giovanni I. Parole process. Springfield, Ill., Thomas. 1959. 458p.
- Goodman, L. E. In defense of federal judicial sentencing. 1958. 46 Calif. L. Rev. 497.
- Great Britain. Advisory Council on the Treatment of Offenders. Alternatives to short terms of imprisonment; report. London, H.M.S.O. 1957. 31p.
- Great Britain. Home Office. Penal practice in a changing society; aspects of future development (Eng. & Wales). London, H.M.S.O. 1959. 32p.
- Grooms, H. H. Defendant as seen from the bench. 1955. 19 Fed. Prob. 3.
- Hart, H. L. A. Murder and the principles of punishment; England and the United States. 1957. Nw. U. L. Rev. 433.
- Hayner, N. S. Setting the minimum sentence in Washington state. 1958. 49 J. Crim. L. & Criminology. 335.
- Hill, R. M. Sentencing, probation and parole. 1959. 20 Ala. Lawyer 56.
- Hopkins, B. W. Problem of sentencing. 1958. 1 Can. B.J. 33.
- Horsford, C. E. S. Sentencing powers of quarter sessions. 1958. Crim. L.R. 172.
- Imprisonment of youths with adult prisoners. 1956. 2 Wayne L. Rev. 214.
- Indeterminate sentencing; half-step toward science in law. 1959. 10 W. Res. L. Rev. 574.
- Indeterminate sentence law in Tennessee. 1958. 25 Tenn. L. Rev. 366.
- Influence of the defendant's plea on judicial determination of sentence. 1956. 66 Yale L.J. 204.
- Institute of Judicial Administration. Disparity in sentencing of convicted defendants. New York. 1954. 6p.
- Jones, Howard. Crime and the penal system; a textbook of criminology. London, Univ. Tutorial Press. 1956. 269p.
- Korn, Richard R. Criminology and penology. New York, Holt. 1959. 660p.
- Legal penalties: the need for revaluation. 1959. Crim. L. Rev. 303.
- Let reparation fit the crime. 1958. 22 J. Crim. L.(Eng.). 167.
- Lopez-Rey, M. First U.N. congress on the prevention of crime and the treatment of offenders. 1957. 47 J. Crim. L. & Criminology. 526.
- Maddison, A. Punishment for murder in Norway. 1956. 120 J.P. 147.
- Mannheim, H. Crime and punishment: sentencing—a reply. 1958. 122 J.P. 102.
- Mannheim, H. Some aspects of judicial sentencing policy. 1958. 67 Yale L.J. 961.
- Merritt, W. C. Florida's new penal and correctional program. 1958. 12 U. Miami L. Rev. 200.
- Mewett, A. W. Suspended sentence and preventive detention. 1958. 1 Crim. L.Q. 268.
- Morris, N. Utah correctional systems. 1957. 5 Utah L. Rev. 326.
- Morton, J. D. Art of sentencing. 1959. 1 Osgoode Hall L.S.J. 95.
- Murrah, A. Prison or probation—which and why? 1956. 47 J. Crim. L. & Criminology 451.
- National Probation and Parole Association.*
- Probation and sentencing in the circuit court of St. Louis. Hugh P. Reed and Sol Rubin, field consultants. New York. 1950. 12p.

- Parole services in New Jersey; a survey. New York. 1955. 62p.
- Guides for sentencing (advisory council of judges). New York. 1957. 99p.
- Nelson, E. K., Jr. Some suggestions for the development of correction programs in Wyoming. 1955. 9 Wyo. L.J. 99.
- Newman, Charles L. Sourcebook on probation, parole and pardons. Springfield, Ill., Thomas. 1958. 334p.
- Nussbaum, A. First offenders—a second chance. 1957. 4 Crim. L. Rev. 1.
- Palmer, H. *Principles of punishment*. Crim. L. Rev.  
     1957:155                      1958:242  
     1957:536                      1958:313
- Paludan-Muller, Bent Kongsler. Parole; theory and practice in the United States and Denmark; a comparative study. 1958. 90p.
- Probation and the suspended sentence in Texas. 1955. 34 Texas L. Rev. 104.
- Punishment: the reward for guilt. 1956. 5 Buffalo L. Rev. 304.
- Radzinowicz, L. Changing attitude toward crime and punishment. 1959. 75 L.Q. Rev. 381.
- Reed, Henry Clay. Chapters in a history of crime and punishment in New Jersey. Ann Arbor, Univ. Microfilms. 1952. (Univ. microfilm pub. no. 3026).
- Rehabilitation of the first offender: suggestions for improvement of the present Texas law. 1956. Sw. L.J. 55.
- Restrictions in the imposition of imprisonment. 1958. 226 L.T. 141.
- Rhenius, I. T. Punishment for attempted theft of a motorcar. 1955. 72 S.A.L.J. 360.
- Rubin, Sol. National Probation and Parole Association. New York. Adult parole systems. 1949. 51p.
- Planning for correctional progress in Puerto Rico; report of a survey made at request of the Dept. of Justice of Puerto Rico. 1951. 45p.
- Crime and juvenile delinquency; a rational approach to penal problems. Oceana. 1958. 240p.
- Sentences: the quantum of the penalty. 1956. 34 N.Z.L.J. 81.
- Sutherland, Edwin Hardin. Principles of criminology. 5th ed. Rev. by Donald R. Cressey. Philadelphia, Lippincott. 1955. 646p.
- United Nations. Congress on the prevention of crime and the treatment of offenders. Report 1st—1955. New York, U.N., Dept. of Econ. & Social Affairs.
- United States. Bureau of Prisons. Collection of pamphlets on United States penal and correctional institutions. Washington. 1951—54.
- United States. Congress. House. Com. on the Judiciary. (85.2). Improving the administration of justice by authorizing the judicial conference of the U.S. to establish institutes and joint councils on sentencing to provide additional methods of sentencing: report. June 23, 1958. 20p.
- United States. Congress. House. Com. on the Judiciary. (85.2). Subcom. 3. Federal sentencing procedure: hearing, Apr. 30, 1958 on H.J.Res. 424, H.J.Res. 425 and H.R. 8923. 1958. 81p.
- United States. Congress. Senate. Com. on the Judiciary. (86.1). National

- penitentiaries. Report of subcom. on national penitentiaries pursuant to S.Res. 230, 85th cong., 2d sess. as extended. 1959. 25p.
- Use of the indeterminate sentence in crime prevention and rehabilitation. 1958. 7 Duke L.J. 65.
- Watkins, T. W. Appellate review of the sentencing process in Michigan. 1959. 36 U. Detroit L.J. 356.
- Wilson, P. E. Kansas procedure after conviction; a comment on the 1957 act. 1958. 7 Kans. L. Rev. 117.
- Woods, M. Punishment under law. 1958. 23 Sask. B. Rev. 87.
- Yankwich, L. R. Individualization of punishment in the federal courts. 1957. 21 Fed. Prob. 3.
- Zuckerman, S. B. Life adjustment course in a reformatory setting. 1955. 195 Fed. Prob. 52.



## Financial services for INDIVIDUALS ACTING AS FIDUCIARIES

When a Fiduciary appoints Bankers Trust as Agent, the worry and details of security and real estate management and the exacting demands of record keeping are eliminated.

Individuals acting as Executor, Administrator, Trustee or Guardian—and their Counselors, Accountants or Advisors—benefit by all these unusually experienced services which are available in whole or part, as may be most helpful.

- Investment Advisory Service
- Safekeeping of Securities

- Collections of Dividends and Interest
- Handling of Security Sales and Purchases
- Stock Transfers
- Maintenance of Complete Estate, Trust and Income Tax Records
- Real Estate Management and Mortgage Servicing
- Depository under Court Order

You are invited to write or telephone our Trust Department for full information, without obligation. Please ask for our printed outline of the services we render as agent for individual executors.

### BANKERS TRUST COMPANY

16 Wall Street, New York 15, N.Y. REctor 2-8900

Member Federal Deposit Insurance Corporation





IES

ees

ust and

ge

one our  
n, with  
printed  
gent for

A  
C  
H  
E